

UNITED STATES DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATIVE LAW JUDGES
Washington, DC

Issue Date: 06 February 2024

OALJ Case No.: 2023-STA-00069

OSHA Case No.: 301015222

In the Matter of:

NATHAN OXLEY,

Complainant,

v.

READY MIX CONCRETE COMPANY, ET AL.,

Respondents.

DECISION AND ORDER APPROVING SETTLEMENT
AND DISMISSING COMPLAINT; SEALING ORDER AND
ORDER FINDING DOCUMENTS SUBJECT TO
FOIA PREDISCLOSURE NOTIFICATION PROCESS

This proceeding arises under the Surface Transportation Assistance Act (“STAA”), 49 U.S.C. § 31105, as amended by the Implementing Recommendations of the 9/11 Commission Act of 2007, Pub. L. No. 110-053, and the applicable regulations at 29 C.F.R. Part 1978. This matter was assigned to me, Associate Chief Administrative Law Judge Paul R. Almanza, on September 6, 2023. On September 13, 2023, Chief Administrative Law Judge Stephen R. Henley issued an Order Appointing Mediator, which granted the parties’ joint request for appointment of a mediator in this matter.

On December 14, 2023, Complainant filed an Unopposed Motion to Approve Settlement and Dismiss Proceeding with Prejudice (“Motion”), requesting the approval of the parties’ settlement and dismissal of the case with prejudice.¹ Mot. at 1. The Motion states the Complainant’s attorney “has conferred with Respondents’ counsel John S. Beckmand,” and the Motion is unopposed. *Id.* Attached to the Motion was a copy of the parties’ Confidential Settlement Agreement and General Release (the “Settlement”). The Settlement includes signatures from the Complainant and Respondent, dated December 12, 2023.

¹ Judge Henley issued an Order Concluding Mediation on January 23, 2024, instructing the parties to reduce their agreement to writing and send it with any relevant motions to me within fourteen (14) days of the date of the order. As I noted in my February 2, 2024 Notice of Assignment in this matter, the parties are not required to resubmit any documents previously submitted to comply with Judge Henley’s January 23, 2024 order.

Having reviewed the Settlement, I find its terms and conditions to be fair, adequate, reasonable, and not contrary to public policy. I further find that the agreement was entered into voluntarily and not under duress. Accordingly, the Settlement is approved.

Furthermore, I find good cause to seal the Settlement. Specifically, as required by 29 C.F.R. § 18.85(b)(2), I find that the information contained in the Settlement is: (1) compelled information that the parties were required to submit in order to obtain approval of the Settlement, and; (2) confidential business information that is exempt from disclosure under FOIA Exemption 4, and therefore I find that the Settlement is subject to the predisclosure notification process at 29 C.F.R. § 70.26. In finding that the information in the Settlement is confidential business information, I have determined that the financial information concerning the parties' settlement could harm Respondent by putting it at a competitive disadvantage if that information were disclosed. The Settlement has been sealed in accordance with the OALJ's internal confidential filing procedures.

ORDER

The Motion is **GRANTED** and the Settlement is **APPROVED**. This matter is hereby **DISMISSED WITH PREJUDICE**.

SO ORDERED.

PAUL R. ALMANZA
Associate Chief Administrative Law Judge